

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

# ANTHONY EUGENE LEWIS

Plaintiff,

VS.

ELDON VAIL, JEFF UTTECHT,  
DR. QUIGGLE, MELISSA  
ANDREWJESKI and DAVID  
BAILEY.

### Defendants.

NO. CV-10-5042-JLQ

## ORDER DISMISSING COMPLAINT FOR FAILURE TO PAY FILING FEE

Mr. Lewis was denied leave to proceed *in forma pauperis* in this action pursuant to 28 U.S.C. § 1915(g) (Ct. Rec. 15), having had more than three prior actions dismissed as being frivolous. Rather than pay the \$350.00 filing fee as directed, Plaintiff filed an interlocutory Notice of Appeal (Ct. Rec. 16). He was advised his failure to pay would result in dismissal of the complaint. Accordingly, **IT IS ORDERED** the complaint is **DISMISSED** without prejudice for failure to comply with 28 U.S.C. § 1914.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment, forward copies to Plaintiff at his last known address, to the Clerk of the Ninth Circuit Court of Appeals with reference to the Circuit Court filing number, and close the file. The court certifies any appeal of this dismissal would not be taken in good faith.

**DATED** this 29<sup>th</sup> day of April 2010.

s/ Justin L. Quackenbush

JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE